

### REMARKS

Claims 1-24 are pending in this application. The claims have been amended as indicated above and support for the amendments can be found in the original specification and original claims.

#### Non-Statutory Type Double Patenting

Claims 1-24 have been rejected under nonstatutory-type double patenting as being unpatentable over U.S. Patent No. 7,224,769 for the reasons noted on pages 2-3 of the Office Action. Even though Applicant respectfully traverses this rejection since the Office has not shown that the current claims would have been anticipated by the claims in the '769 Patent, on the indication of otherwise allowable subject matter, Applicant will file a proper terminal disclaimer to overcome this rejection.

#### Rejection Under 35 U.S.C. § 102: Golden et al.

Claims 1, 2, 3, 17, and 19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Golden et al. (U.S. Patent No. 5442677) for the reasons noted on pages 3-5 of the Office Action. Applicant respectfully traverses this rejection.

The rejected claims contain two limitations relevant to this rejection. First, the claims recite that the x-ray device contains an integrated power system that provides a continuous, high voltage DC power. Second, certain claims recite that x-ray device is a handheld device.

The Office, however, has failed to show that Golden et al. teaches either of these claim limitations. As to the first limitation of an integrated power system that provides a continuous, high voltage DC power, this limitation was previously recited in claim 4 and was not rejected by the Office on the basis of 35 U.S.C. § 102(b) over Golden et al. Since claim 1 now contains this limitation, current claim 1 should not be rejected on this basis over this reference.

In fact, the power system of Golden et al. operates a pulsed emission rather than a continuous emission. *See column 1, lines 40-41*. The skilled artisan would recognize that this pulsed emission comes from having a pulsed power that is provided by the power system of Golden et al. which uses a type of capacitive charging in order to generate the high voltage needed for operation. So there is a brief pulse of x-rays, and then it has to recharge the capacitors.

As to the second claim limitation of a handheld x-ray device, Golden et al. describes that their x-ray device is placed on a flat working surface or attached to a tripod or the like when used. *See column 4, lines 16-17*. Golden et al. also describes that in a typical operation, the x-ray device would be place on a tripod of other suitable surface and aimed toward the desired object. *See column 8, lines 64-66*. In light of such a disclosure, it is doubtful that the Office could substantiate that the device of Golden et al. is handheld.

Thus, the Office has not shown that Golden et al. describes each and every limitation currently recited in the rejected claims. Accordingly, Applicant respectfully requests withdrawal of this ground of rejection.

Rejection Under 35 U.S.C. § 102: Kornev

Claims 1, 2, 6, 7, and 19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Kornev (U.S. Patent No. 6822250 ) for the reasons noted on pages 5-6 of the Office Action. Applicant respectfully traverses this rejection.

The rejected claims recite that the x-ray device contains an integrated power system that provides a continuous, high voltage DC power. The Office, however, has failed to show that Kornev teaches this claim limitation. In fact, this limitation was previously cited in claim 4 and was not rejected by the Office on the basis of 35 U.S.C. § 102(b) over Kornev. Since claim 1 now contains this limitation, claim 1 should not be rejected on this basis over Kornev.

Thus, the Office has not shown that Kornev describes each and every limitation currently recited in the rejected claims. Accordingly, Applicant respectfully requests withdrawal of this ground of rejection.

Rejection Under 35 U.S.C. § 102: Grodzins

Claims 1, 2, and 19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Grodzins (U.S. Patent No. 6282260) for the reasons noted on pages 6-7 of the Office Action. Applicant respectfully traverses this rejection.

The rejected claims recite that the x-ray device contains an integrated power system that provides a continuous, high voltage DC power. The Office, however, has failed to show that Grodzins teaches this claim limitation. In fact, this limitation was previously cited in claim 4 and was not rejected by the Office on the basis of 35 U.S.C. § 102(b) over Grodzins. Since claim 1 now contains this limitation, claim 1 should not be rejected on this basis over Grodzins.

Thus, the Office has not shown that Grodzins describes each and every limitation currently recited in the rejected claims. Accordingly, Applicant respectfully requests withdrawal of this ground of rejection.

Rejection Under 35 U.S.C. § 103

Claims 1-4 and 6-22 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over Miles (U.S. Patent No. 6038287) in view of Golden et al. (U.S. Patent No. 5442677) for the reasons noted on pages 8-9 of the Office Action. Applicant respectfully traverses this rejection.

The rejected claims recite that the x-ray device contains an integrated power system that provides a continuous, high voltage DC power. The Office, however, has failed to show that the proposed combination of the cited references teaches or suggests this claim limitation.

The Office argues that Miles teaches an x-ray device substantially as claimed, but recognizes that Miles fails to teach a housing that contains a removable, internal power source that powers an integrated power system that provides a high current load sufficient for radiographic imaging. The Office argues that Golden et al. teaches an integrated power system with a removably attached internal power source. The Office concludes that it would have been obvious to the skilled artisan to have used the integrated power system with a removably attached internal power source taught by Golden et al. in the device of Miles because such a modification would have provided a battery-powered x-ray source that is capable of producing high intensity x-ray pulses having the power normally associated with larger and higher power consumption sources.

But combining the references in the manner proposed by the Office would not have arrived at the device recited in the claims. The claimed x-ray device contains an integrated power system that provides a continuous, high voltage DC power. As noted above, and as previously recognized by the Office, Golden et al. fails to teach an integrated power system that provides a continuous, high voltage DC power.

While addressing previous claim 4 (which previously contained this limitation), the Office argued that Miles describes a power system that provides a continuous high voltage DC power. So the Office concludes that the modified device would also contain such a feature. But the Office did not combine the references in such a manner. The Office argued that it would have been obvious to use the integrated power system and internal power source of Golden et al. in the device of Miles. In other words, the power system and external power source of Miles would be replaced by the integrate power system and internal power source of Golden et al. Thus, the modified device proposed by the Office necessarily contains the integrated power system and power source of Golden et al. But the device of Golden et al. does not have an integrated power system that provides a continuous, high voltage DC power. So neither would the Office's modified device.

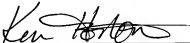
Thus, the Office has not shown that the proposed combination of references suggests the rejected claims. Accordingly, Applicant respectfully requests withdrawal of this ground of rejection.

#### CONCLUSION

For the above reasons, Applicant respectfully requests the Office to withdraw the pending grounds of rejection and allow the current claims.

If there is any fee due in connection with the filing of this Amendment, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 50-0843.

Respectfully Submitted,

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